

REMARKS

Currently, claims 1-8, 12, 17, 18, 21-31, 35, 36, 41-53, 56-60, 62, and 63 remain pending in the present application, including independent claims 1, 29, and 47.

In the Office Action, independent claims 1, 29, and 47 were rejected under 35 U.S.C. § 103(a) in view of EP 1,212,974 in combination with WO 93/02610. EP '974 is directed to a dishwashing wipe comprising a nonwoven or paper cleaning substrate and a comparatively more abrasive, scrubbing substrate comprising a web of fibers. See, e.g., Abstract. Referring to pg. 6, paragraph 25, EP '974 discloses that the substrates can be arranged in a number of different ways when there are multiple substrates. First, when the wipe comprises more than one cleaning substrate (i.e., paper) the cleaning substrates are arranged back-to-back, with at least one scrubbing substrate attached to one side of one of the outer cleaning substrates. Where the wipe comprises two or more scrubbing substrates, the scrubbing substrates may be packed side-by-side such that both scrubbing substrates are in contact with the cleaning substrate. Alternatively, where the wipe comprises two or more scrubbing substrates, the scrubbing substrates are preferably arranged one on top of the other, with only one of the scrubbing substrates in contact with the cleaning substrate. Pg. 6, paragraph 25.

However, as admitted by the Office Action, EP '974 fails to teach all of the limitations of independent claims 1, 29, and 47. For example, EP '974 fails to teach or suggest a plurality of abrasive structures comprising an abrasive layer and an absorbent layer that are configured in a stacked arrangement such that the abrasive layers and the absorbent layers alternate, such as required by independent claim 1. Additionally, EP '974 fails to teach that their layers – no matter their arrangement – are configured to be

releasably attached together permitting a top abrasive structure to be removed from the scrubbing product, such as required by independent claim 1.

In order to overcome the deficiencies of EP '974, the Office Action attempts to combine the teachings of WO '610 to the disclosure of EP '974. WO '610 is directed to a disposable wash cloth comprising a first absorbing layer, a second disinfectant layer, and a third layer. The first layer is exposed for immediate use, with the second layer is enclosed between two attached plastic sheets. The third layer may also be enclosed between two plastic sheets. After the exposed first layer is used, the plastic sheet onto which the first layer is attached is torn off from the second plastic sheet and discarded. Thus, the second layer can be subsequently used for cleaning. See, e.g., Abstract and Fig. 1.

In rejecting independent claim 1, the Office Action states that it would be obvious to arrange the layers of EP '974 to alternate cleaning substrate and scrubbing substrate so to provide a cleaning sheet that is renewable, as motivated by the teachings of WO '610. However, Applicants respectfully submit that no motivation exists to modify the wipes of EP '974 in such a manner.

The entire disclosure of EP '974 is directed to combating the problem of reusing dish washing brushes, cloths, or sponges when washing dishes. Pg. 2, paragraphs 2 and 3. In order to solve this problem, EP '974 discloses a disposable dishwashing wipe, intended for a limited number of uses. After use the consumer is instructed to discard the wipe. Thus, the user is no longer concerned with the presence of residues of antibacterial agents on dishware. Pg. 2, paragraph 3.

Applicants respectfully submit that one of ordinary skill in the art would not be motivated to somehow modify the disposable dishwashing wipes of EP '974 to extend their useful life, as attempted by the Office Action. In fact, as shown above, EP '974 expressly teaches away from such a modification. Applicants emphasize that the teachings of the references must be viewed in their entirety, i.e., as a whole, to sustain a *prima facie* case of obviousness under 35 U.S.C. §103(a). Further, the appropriate test under 35 U.S.C. §103(a) is not whether the differences between the prior art and the claims are obvious, but instead whether the claimed invention as a whole would have been obvious. That is, the differences between a particular claim and the cited references cannot be viewed in a vacuum. In this case, Applicants respectfully submit that, when properly viewed as a whole, there is simply no motivation to combine the references in the manner suggested in an attempt to render obvious the present claims.

Plainly, the Examiner's only incentive or motivation for so modifying EP '974 using the teachings of WO '610 in the manner suggested in the Office Action results from using Applicants' disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings in the prior art, which is improper under 35 U.S.C. § 103. Accordingly, it is respectfully submitted that any such modification of the cited references relies on the impermissible use of hindsight, which cannot be successfully used to support a *prima facie* case of obviousness.

Finally, the Office Action provisionally rejected the claims of the present application under the judicially created doctrine of obvious type double patenting separately in view of 5 applications: 10/745,327; 10/733,162; 10/321,831; 10/322,277;

and 10/036,736. Applicants agree to consider filing terminal disclaimers directed to each of the above applications, should it become necessary.

Applicants respectfully request reconsideration and allowance in view of the above. Should Examiner Cole have any further questions or concerns, she is invited and encouraged to contact the undersigned at her convenience.

Please charge any additional fees or deficiencies to Deposit Account Number 04-1403.

Respectfully submitted,
DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'Alan R. Marshall', written over a horizontal line.

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